

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 8024  
10/22/18

1	CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1	
2	SUBCHAPTER A. GENERAL PROVISIONS	
3	Sec. 8024.0001. DEFINITIONS . . . . .	1
4	Sec. 8024.0002. FINDINGS OF PUBLIC USE AND BENEFIT . . . . .	2
5	Sec. 8024.0003. CONFLICTS OF LAW . . . . .	2
6	SUBCHAPTER B. POWERS AND DUTIES	
7	Sec. 8024.0051. ROAD UTILITY DISTRICT POWERS AND	
8	DUTIES . . . . .	4
9	Sec. 8024.0052. ROAD PROJECTS . . . . .	5
10	Sec. 8024.0053. RAPID TRANSIT AUTHORITY POWERS . . . . .	6
11	SUBCHAPTER C. FINANCIAL PROVISIONS	
12	Sec. 8024.0101. ELECTIONS REGARDING TAXES OR BONDS . . . . .	7
13	Sec. 8024.0102. MAINTENANCE TAX . . . . .	8

14	CHAPTER 8024. BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1	
15	SUBCHAPTER A. GENERAL PROVISIONS	

16 Revised Law

17 Sec. 8024.0001. DEFINITIONS. In this chapter:

18 (1) "City" means the City of Houston, Texas.

19 (2) "District" means the Baybrook Municipal Utility

20 District No. 1. (Acts 77th Leg., R.S., Ch. 1386, Secs. 2(2), (3).)

21 Source Law

22 Sec. 2. In this Act:

23 (2) "City" means the City of Houston,

24 Texas.

25 (3) "District" means the Baybrook

26 Municipal Utility District No. 1.

27 Revisor's Note

28 Section 2, Chapter 1386, Acts of the 77th

Legislature, Regular Session, 2001, defines  
"[b]oard." The revised law omits the definition as  
unnecessary because that term is not used elsewhere in  
Chapter 1386. The omitted law reads:

(1) "Board" means the board of  
directors of the Baybrook Municipal Utility  
District No. 1.

#### Revised Law

Sec. 8024.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)  
The district is created to serve a public use and benefit.

(b) All land and other property included in the district  
will benefit from the works and projects accomplished by the  
district under the powers conferred by Section 52, Article III,  
Texas Constitution. (Acts 77th Leg., R.S., Ch. 1386, Sec. 3.)

#### Source Law

Sec. 3. The legislature finds that all of the  
land and other property included within the boundaries  
of the district will be benefited by the works and  
projects that are to be accomplished by the district  
under the powers conferred by Section 52, Article III,  
Texas Constitution, and that the district is created  
to serve a public use and benefit.

#### Revised Law

Sec. 8024.0003. CONFLICTS OF LAW. (a) This section applies  
only to laws enacted on or before June 16, 2001.

(b) Chapter 49 or 54, Water Code, controls over a  
conflicting or inconsistent provision in general law relating to  
road utility districts. (Acts 77th Leg., R.S., Ch. 1386, Sec. 5  
(part).)

#### Source Law

Sec. 5. . . . If any provision of general law  
relating to road utility districts is in conflict or  
inconsistent with . . . Chapter 49 or 54, Water Code,  
. . . Chapters 49 and 54, Water Code, prevail. . . .

#### Revisor's Note

(1) Section 5, Chapter 1386, Acts of the 77th  
Legislature, Regular Session, 2001, provides in part  
that, in case of a conflict between a provision of  
Chapter 49 or 54, Water Code, and the general law

1 relating to road utility districts, the Water Code  
2 provision prevails. The revised law limits the  
3 application of the Chapter 1386 conflicts provision to  
4 general laws enacted on or before the date the  
5 conflicts provision was enacted (June 16, 2001) to  
6 ensure that no substantive change is made by reviving  
7 the conflicts provision in the revised law. To restate  
8 the Chapter 1386 conflicts provision in the revised  
9 law without a date limitation would potentially change  
10 the outcome of applying the normal rules of statutory  
11 construction to general laws that were enacted or  
12 amended between the date Chapter 1386 took effect and  
13 the date of this revision. It is a fundamental  
14 principle of statutory construction that one session  
15 of the legislature may not bind a future session of the  
16 legislature. The 77th Legislature could not prevent a  
17 subsequent legislature from enacting a general law  
18 that would override Chapter 1386. A general law,  
19 including an amendment to an existing general law,  
20 enacted after June 16, 2001, must be interpreted in  
21 light of the legislative intent as to whether the  
22 subsequent general law as enacted would prevail over  
23 an earlier enacted general law.

24 (2) Section 5, Chapter 1386, Acts of the 77th  
25 Legislature, Regular Session, 2001, provides in part  
26 that, in case of conflicts between that act and certain  
27 general laws, the act prevails. The revised law omits  
28 the provision because it is both unnecessary and  
29 potentially misleading. To the extent the provision  
30 means the act prevails over other law in existence at  
31 the time the act became effective and with which the  
32 act conflicts, it merely restates general rules of  
33 statutory construction. To the extent the provision  
34 implies that the act prevails over future enactments

1 of the legislature that may conflict with the act, the  
2 provision is misleading. It is a fundamental  
3 principle of statutory construction that one session  
4 of the legislature may not bind a future session of the  
5 legislature. In addition, Section 311.026, Government  
6 Code (Code Construction Act), governs the  
7 interpretation of the revised law in instances of  
8 apparent conflict with other laws. The omitted law  
9 reads:

10 Sec. 5. . . . [If any provision of  
11 general law relating to road utility  
12 districts is in conflict or inconsistent  
13 with] this Act or . . . this Act and . . .  
14 [prevail]. This Act prevails over any  
15 provision of general law that is in conflict  
16 or inconsistent with this Act, including  
17 any provision of Chapter 49 or 54, Water  
18 Code.

19 SUBCHAPTER B. POWERS AND DUTIES

20 Revised Law

21 Sec. 8024.0051. ROAD UTILITY DISTRICT POWERS AND DUTIES.

22 (a) The district has road utility district authority under Section  
23 52(b)(3), Article III, Texas Constitution, and Chapter 441,  
24 Transportation Code, including:

25 (1) the authority to repair and maintain streets and  
26 roadways in the district; and

27 (2) the ability to make contracts in the same manner as  
28 a road utility district under Subchapter E, Chapter 441,  
29 Transportation Code.

30 (b) The district has all of the rights, powers, privileges,  
31 authority, duties, and functions conferred by the general laws  
32 applicable to a road utility district created under Section 52,  
33 Article III, Texas Constitution, to the extent those provisions can  
34 be made applicable.

35 (c) The district is not subject to the requirements of  
36 Subchapter B, Chapter 441, Transportation Code. (Acts 77th Leg.,  
37 R.S., Ch. 1386, Secs. 1 (part), 4, 5 (part), 9.)

## Source Law

Sec. 1. The Baybrook Municipal Utility District No. 1 is granted road utility district authority under Section 52(b)(3), Article III, Texas Constitution, and Chapter 441, Transportation Code, including the authority to repair and maintain streets and roadways in the district. . . .

Sec. 4. The district is not subject to the requirements of Subchapter B or C, Chapter 441, Transportation Code.

Sec. 5. The district has all of the rights, powers, privileges, authority, duties, and functions conferred by the general law of this state, including Chapter 441, Transportation Code, applicable to road utility districts created under Section 52, Article III, Texas Constitution, to the extent those provisions can be made applicable. . . .

Sec. 9. The district may make contracts in the same manner as a road utility district under Subchapter E, Chapter 441, Transportation Code.

## Revisor's Note

(1) Section 1, Chapter 1386, Acts of the 77th Legislature, Regular Session, 2001, provides that the district "is granted" road utility district authority. The revised law substitutes "has" for the quoted language because that phrase is more concise and is the substantive equivalent of the quoted language.

(2) Section 4, Chapter 1386, Acts of the 77th Legislature, Regular Session, 2001, refers to Subchapter C, Chapter 441, Transportation Code. The revised law omits the reference to Subchapter C because that subchapter was repealed by Chapter 248, Acts of the 78th Legislature, Regular Session, 2003.

## Revised Law

Sec. 8024.0052. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads and turnpikes or improvements in aid of those roads or turnpikes in the district.

(b) The improvements under Subsection (a) may include drainage or landscaping improvements and lights, signs, or signals that are incidental to the roads and turnpikes and the

1 construction, maintenance, or operation of the roads and turnpikes.

2 (c) A project authorized by this section must meet all  
3 applicable construction standards, zoning and subdivision  
4 requirements, and regulatory ordinances of the city.

5 (d) On completion of a project authorized by this chapter,  
6 the district, with the consent of the city, may convey the project  
7 to the city if the conveyance is free of all district debt. If the  
8 city becomes the owner of a project, the city is responsible for all  
9 future maintenance and the district has no further responsibility  
10 for the project or its maintenance. (Acts 77th Leg., R.S., Ch.  
11 1386, Sec. 6.)

12 Source Law

13 Sec. 6. (a) The district may construct,  
14 acquire, improve, maintain, and operate macadamized,  
15 graveled, or paved roads and turnpikes or improvements  
16 in aid of those roads or turnpikes, within the  
17 boundaries of the district, to the extent authorized  
18 by Section 52, Article III, Texas Constitution.

19 (b) The works, facilities, or improvements may  
20 include drainage or landscaping improvements and  
21 lights, signs, or signals that are incidental to those  
22 roads and turnpikes and their construction,  
23 maintenance, or operation.

24 (c) A project authorized by this section must  
25 meet all applicable construction standards, zoning and  
26 subdivision requirements, and regulatory ordinances  
27 of the city.

28 (d) On completion of any project authorized by  
29 this Act, the district, with the consent of the city,  
30 may convey that project to the city, provided the  
31 conveyance is free of all indebtedness of the  
32 district. If the city becomes the owner of a project,  
33 the city is responsible for all future maintenance and  
34 upkeep, and the district has no further responsibility  
35 for the project or its maintenance or upkeep.

36 Revisor's Note

37 Section 6, Chapter 1386, Acts of the 77th  
38 Legislature, Regular Session, 2001, refers to  
39 "maintenance" and "upkeep." The revised law omits  
40 "upkeep" because, in context, "upkeep" is included in  
41 the meaning of "maintenance."

42 Revised Law

43 Sec. 8024.0053. RAPID TRANSIT AUTHORITY POWERS. (a) The  
44 district has the powers of a metropolitan rapid transit authority  
45 under Section 451.065, Transportation Code.

1 (b) The municipal consent and contract requirements in  
2 Section 451.065(d), Transportation Code, do not apply to the  
3 district. (Acts 77th Leg., R.S., Ch. 1386, Sec. 1 (part).)

4 Source Law

5 Sec. 1. . . . In addition, the district has the  
6 powers of a metropolitan rapid transit authority under  
7 Section 451.065, Transportation Code, but the district  
8 is not subject to the municipal consent or municipal  
9 contract requirements of Subsection (d) of that  
10 section.

11 SUBCHAPTER C. FINANCIAL PROVISIONS

12 Revised Law

13 Sec. 8024.0101. ELECTIONS REGARDING TAXES OR BONDS. (a)  
14 The district may issue bonds, notes, and other obligations secured  
15 by revenue or contract payments from any lawful source other than ad  
16 valorem taxes without an election.

17 (b) The district may issue bonds, notes, and other  
18 obligations secured wholly or partly by ad valorem taxes only if the  
19 issuance is approved by a vote of a two-thirds majority of the  
20 district voters voting at an election held for that purpose. (Acts  
21 77th Leg., R.S., Ch. 1386, Sec. 7.)

22 Source Law

23 Sec. 7. The district may issue bonds, notes, and  
24 other obligations secured by revenues or contract  
25 payments from any lawful source other than ad valorem  
26 taxation without an election. The district may issue  
27 bonds, notes, and other obligations secured in whole  
28 or in part by ad valorem taxation only if the issuance  
29 is approved by a two-thirds majority of the voters of  
30 the district voting at an election called and held for  
31 that purpose.

32 Revisor's Note

33 Section 7, Chapter 1386, Acts of the 77th  
34 Legislature, Regular Session, 2001, provides that an  
35 election to approve the issuance of bonds secured by ad  
36 valorem taxes must be "called and held." The revised  
37 law omits the reference to an election being "called"  
38 because, in context, "calling" an election is included  
39 in the meaning of "holding" an election. Under Chapter  
40 3, Election Code, all elections must be ordered

1 (called) before they may be held.

2 Revised Law

3 Sec. 8024.0102. MAINTENANCE TAX. The district may impose a  
4 maintenance tax at a rate not to exceed 25 cents on each \$100 of  
5 assessed valuation of property in the district to be used for any  
6 authorized purpose of the district if the authority to impose the  
7 tax is approved by a majority of district voters voting at an  
8 election held for that purpose. (Acts 77th Leg., R.S., Ch. 1386,  
9 Sec. 8.)

10 Source Law

11 Sec. 8. The district may impose a maintenance  
12 tax in an amount not to exceed 25 cents on each \$100 of  
13 assessed valuation of property in the district to be  
14 used for any authorized purpose of the district if the  
15 authority to impose the tax is approved by a majority  
16 of the voters of the district voting at an election on  
17 that proposition.

18 Revisor's Note

19 Section 8, Chapter 1386, Acts of the 77th  
20 Legislature, Regular Session, 2001, provides that the  
21 authority to impose a maintenance tax must be approved  
22 by a majority of voters voting at an election "on that  
23 proposition." The revised law substitutes "held for  
24 that purpose" for the quoted language because the  
25 phrases are synonymous in context and "held for that  
26 purpose" is more consistent with modern usage.

27 Revisor's Note  
28 (End of Chapter)

29 Section 10, Chapter 1386, Acts of the 77th  
30 Legislature, Regular Session, 2001, recites  
31 legislative findings regarding procedural  
32 requirements for legislation affecting the district  
33 under the constitution and other laws and rules,  
34 including proper legal notice and the filing of  
35 recommendations. The revised law omits those  
36 provisions as executed. The omitted law reads:

37 Sec. 10. (a) The proper and legal  
38 notice of the intention to introduce this



1 Act, setting forth the general substance of  
2 this Act, has been published as provided by  
3 law, and the notice and a copy of this Act  
4 have been furnished to all persons,  
5 agencies, officials, or entities to which  
6 they are required to be furnished by the  
7 constitution and other laws of this state,  
8 including the governor, who has submitted  
9 the notice and a copy of the Act to the Texas  
10 Natural Resource Conservation Commission.

11 (b) The Texas Natural Resource  
12 Conservation Commission has filed its  
13 recommendations relating to this Act with  
14 the governor, lieutenant governor, and  
15 speaker of the house of representatives  
16 within the required time.

17 (c) All requirements of the  
18 constitution and laws of this state and the  
19 rules and procedures of the legislature  
20 with respect to the notice, introduction,  
21 and passage of this Act are fulfilled and  
22 accomplished.